



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,154	05/31/2001	Howard A. Heller	TAN-2-1477.01.US	7439
24374	7590	03/02/2011	EXAMINER	
VOLPE AND KOENIG, P.C.			IQBAL, KHAWAR	
DEPT. ICC				
UNITED PLAZA			ART UNIT	PAPER NUMBER
30 SOUTH 17TH STREET				2617
PHILADELPHIA, PA 19103				
NOTIFICATION DATE		DELIVERY MODE		
03/02/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eoffice@volpe-koenig.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/871,154	HELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KHAWAR IQBAL	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 December 2010.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 35-48 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 35-48 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date. _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 35-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Mohammed (20050207395).

Regarding claim 35 Mohammed discloses a wireless transmit/receive unit, comprising (fig. 1-2, 7):

a transmitter (12, fig. 1-2, see para. # 0032) configured to send a request for information regarding available channels to a server (18 and/or 24, fig. 1, 7) connected to the Internet (30, fig. 1) and coupled to a database (24 and/or 38, fig. 1) wherein the database (24 and/or 38, fig. 1) is configured to contain information regarding available channels (para. # 0068-0069 and 0086);

a receiver (12, fig. 1-2, see para. # 0032) configured to receive over a first communication interface (114, fig. 2) information regarding the available channels received from the database (in response to request, a channel number [claimed, information regarding the available channels], a slot number and a handoff reference

receive by the subscriber device 12 from the BSC to system server 24 and the base station 18, para. # 0069); and

a processor (104, fig. fig. 2) configured to determine whether to switch to a second communication interface (120, fig. 2) based on the information received from the database regarding the available channels (Once the subscriber device 12 receives the BTS transmission, it sends a message to the BTS with the handoff reference. At this point, a new licensed wireless link is established on the given channel and slot number. Once the licensed wireless link is established, control of the communication session is switched from the unlicensed wireless circuitry 114 to the licensed wireless circuitry 118, para. # 0066, 0070 and 0072).

Regarding claim 36 Mohammed discloses wherein the request includes WTRU capability information (para. # 0066-0070).

Regarding claim 37 Mohammed discloses wherein the request includes WTRU location information (para. # 0066-0070, 0086).

Regarding claim 38 Mohammed discloses wherein the WTRU capability information includes authentication information, protocol information and a maximum transmission power (para. # 0066-0070, 0086).

Regarding claim 39 Mohammed discloses wherein the WTRU switches to the second communication interface based on the information received from the database regarding available channels (para. # 0066-0070, 0086).

Regarding claim 40 Mohammed discloses wherein the WTRU receives updated channel information (para. # 0066-0070, 0086).

Regarding claim 41 Mohammed discloses wherein the information received regarding available channels includes a maximum transmission strength (para. # 0066-0070, 0086).

Regarding claim 42 Mohammed discloses an apparatus, comprising:  
a receiver configured to receive a request for information regarding available channels wherein the apparatus is connected to the Internet and coupled to a database and wherein the database is configured to contain information regarding available channels (para. # 0068-0069);

a transmitter configured to transmit the information regarding the available channels received from the database over a first communication interface (para. # 0068-0069, fig. 1-2,7); and

a processor configured to determine whether to switch to a second communication interface based on the information received from the database regarding the available channels (para. # 0066-0070, 0086).

Regarding claim 43 Mohammed discloses wherein the request includes capability information (para. # 0066-0070, 0086).

Regarding claim 44 Mohammed discloses wherein the request includes location information (para. # 0066-0070, 0086).

Regarding claim 45 Mohammed discloses wherein the capability information includes authentication information, protocol information and a maximum transmission power (para. # 0066-0070, 0086).

Regarding claim 46 Mohammed discloses wherein the apparatus switches to the second communication interface based on the information received from the database regarding the available channels (para. # 0066-0070, 0086).

Regarding claim 47 Mohammed discloses wherein the apparatus receives updated channel information (para. # 0066-0070, 0086).

Regarding claim 48 Mohammed discloses wherein the information received regarding available channels includes a maximum transmission strength (para. # 0066-0070, 0086).

#### ***Response to Arguments***

3. Applicant's arguments filed 12-16-10 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant's arguments but firmly believes that the cited references reasonably and properly meet the claimed limitations. In regard to applicant's arguments against Mohammed, Mohammed discloses a transmitter see 12, fig. 1-2, see para. # 0032 transmits a message to licensed wireless network 14 for authentication, channel number information and the signal strengths of the frequencies of the nearby licensed wireless base stations via server 18 and/or 24, fig. 1, 7 unlicensed wireless network 38, fig. 1, see paragraphs # 0065, 0068 and 0086. In response to request, a channel number, a slot number and a handoff reference [information regarding the available channels] receive by the subscriber device 12 from the BSC 38 via system server 24 and the base station 18 see paragraphs # 0069-0070. Once the subscriber device 12 receives the BTS transmission, it sends a message to the BTS with the handoff reference. At this point, a new licensed wireless link is

established on the given channel and slot number. Once the licensed wireless link is established, control circuit control of the communication session is switched from the unlicensed wireless circuitry 114 to the licensed wireless circuitry 118, see para. # 0061, 0066). The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027- 28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is (571)272-7909. The examiner can normally be reached on 9 am to 6.30 pm Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

Khawar Iqbal  
Examiner  
Art Unit 2617

/K. I./  
Examiner, Art Unit 2617